IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. .....113...../2004

PETITIONERS :

1. Dr. Jyoti Kumar Jain,
   Aged about 42 yrs
   S/o Premchand Jain
   R/o. Ambikapur, Distt. Surguja (C.G.)

2. Dr. Pratibha Rajul Jain
   W/o Dr. Jyoti Kumar Jain
   Aged about 38 years
   R/o. Ambikapur, Distt. Surguja (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
   Through –Secretary,
   Health and Medical Services,
   D.K.S. Bhawan, Raipur (C.G.)

2. The State of M.P.
   Through - Secretary
   General Administration (State Reorganization cell) Ministry, Satpura Bhawan, Bhopal (M.P.)

3. Union of India,
   Through - Secretary
   Personnel and Training, Ministry of Personnel Public Grievances and Pensions Loknayak Bhawan, Khan Market, New Delhi (Reorganization Cell)

4. The Director,
   Health and Medical Services,
   Raipur (C.G.)

5. Civil Surgeon-cum-Hospital Superintendent, District Hospital, Ambikapur, Distt. Surguja (C.G.)

6. The Chief Medical and Health officer, Ambikapur, Distt. Surguja (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHERS SUITABLE WRITS, DIRECTION/DIRECTIONS, ORDER/ORDERS

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(45)

आदेश पत्रक

मामला क्रमांक WP 118/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19.01.2004

Shri Manoj Paranjpe, counsel for the petitioners.

Shri Ranbir Singh, Govt. Adv. for respondents No.1, 4 & 5.

Heard.

By this writ petition under Article 226/227 of the Constitution of India the petitioners have challenged the order dated 28.10.2002 (Annexure P-5) passed by the State Government of Chhattisgarh whereby the State Government has ordered not to relieve the petitioners for joining their services in the State of Madhya Pradesh.

Brief facts leading to filing of this writ petition are that the petitioner No.1 is working as Medical Officer and the petitioner No.2 is working as Government Doctor in the District Hospital, Ambikapur and their services have been allocated to the State of M.P. vide order dated 19.10.2002 (Annexure P-1) under the State Re-organization Act, 2000. Learned counsel for the petitioners submits that the State Government has no authority to issue order dated 28.10.2002 (Annexure P-5) for not relieving the petitioners to join their services in the State of M.P.

Learned counsel for the respondents No.1,4 & 5 submits that the petitioners services are to be speared only when the relieving persons comes from the State of M.P.

The matter in dispute is squarely covered by the order of this Court dated 17.12.2003 passed in Writ Petition Nos.516/2003, 174/2003, 604/2003, 877/2003 & 828/2003 in

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP No. 113 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	which the contention raised by the learned counsel for the respondents has been rejected and it has been held that in view of the legal position the action of the State authorities in not relieving the petitioners cannot be sustained and the petitioners are entitled for relieving, as neither the order passed by Union of India nor the date of relieving has been challenged by any government including the State Government of C.G. and as per the order of Union of India the petitioners were required to be relieved on 27.09.2002, however, the date of relieving was extended up to 31.10.2002 and thereafter no extension was granted. Therefore, in view of the above order of this Court in the similar petitions, I am of the opinion that order staying the operation of the relieving order is without any authority and cannot be sustained and the petitioners are entitled for relieving. Accordingly, the petition is allowed and the respondents are directed to relieve the petitioners forthwith. Certified copy as per Rules. Sd/- L.C. Bhadoo Judge	

Roshan

21.1.04

[पीछे देखिये